

REMARKS

Claims 1-6, 9-17, 19, 20, 22, 23, and 25 are pending in this application.

Applicant has amended claims 1-3, 10-14, 16, 17, 19, 20, and 23. The changes to the claims made herein do not introduce any new matter.

Rejections Under 35 U.S.C. § 102

Applicant respectfully requests reconsideration of the rejection of claims 1-3, 5, and 6 under 35 U.S.C. § 102(e) as being anticipated by *Sekizawa* (US 6,604,212 B2). As will be explained in more detail below, the *Sekizawa* reference does not disclose each and every feature specified in independent claim 1, as amended herein.

Applicant has amended independent device claim 1 to recite an “absolute time point” and a “base time point.” As specified in present claim 1, the base time setting module sets the absolute time point as a base time point for specifying each time point, and each time point is specified based on the elapsed time measured by the timer and the base time point.

The *Sekizawa* reference does not disclose (or suggest) the configuration defined in present claim 1. In particular, the *Sekizawa* reference does not disclose (or suggest) the presently claimed feature of specifying each time point based on the elapsed time measured by the timer and the base time point.

In the Final Office Action, the Examiner asserts that the *Sekizawa* reference discloses that the CPU compares the time it has calculated with the time in the timer monitor section (see the Final Office Action at page 15). Applicant respectfully traverses the Examiner’s characterization of the *Sekizawa* reference relative to the claimed subject matter. In *Sekizawa*’s system, what is calculated in the timer monitor section is a time difference between the most recent information getting date and time and the current time indicated in the timer monitor section, i.e., the elapsed time since the last status was gotten (see column

29, lines 2-7). Thus, in the *Sekizawa* reference, the elapsed time is calculated with the two time points.

On the other hand, as specified in present claim 1, a time point is calculated from the base time point and the elapsed time. In other words, the calculation in the claimed subject matter is performed in a manner that is the *opposite* of the manner shown in the *Sekizawa* reference. Therefore, for at least this reason, the *Sekizawa* reference does not disclose (or suggest) each and every feature of the configuration defined in present claim 1.

Accordingly, for at least the foregoing reasons, independent claim 1, as amended herein, is patentable under 35 U.S.C. § 102(e) over *Sekizawa*. Claims 2, 3, 5, and 6, each of which ultimately depends from claim 1, are likewise patentable under 35 U.S.C. § 102(e) over *Sekizawa* for at least the same reasons set forth above regarding claim 1.

Applicant respectfully requests reconsideration of the rejection of claim 20 under 35 U.S.C. § 102(e) as being anticipated by *Suzuki et al.* ("*Suzuki*") (US 2002/0065940 A1). As will be explained in more detail below, the *Suzuki* reference does not disclose each and every feature specified in independent claim 20, as amended herein.

Applicant has amended independent method claim 20 to recite an "absolute time point" and a "base time point." As specified in present claim 20, the method includes acquiring an absolute time point from another apparatus in the process of communication, and setting the absolute time point as a base time point for specifying each time point, with each time point being specified based on the elapsed time measured by the timer and the base time point.

The *Suzuki* reference does not disclose (or suggest) each and every feature of the method defined in present claim 20. In particular, as will be explained in more detail below, the *Suzuki* reference does not disclose (or suggest) the claimed operation of setting the

absolute time point as a base time point for specifying each time point, with each time point being specified based on the elapsed time measured by the timer and the base time point.

In the Final Office Action, the Examiner asserts that the *Suzuki* reference discloses that the global timer sets the base time, and each individual timer in the devices measures the absolute time measured by the difference between the base or global time and the timer in the device (see the Final Office Action at page 15). The Examiner further asserts that the time in the control period timer and the time from the global or base timer are analogous because the control period timer receives its time from the global or base timer (see the Final Office Action at pages 15-16). Applicant respectfully traverses the Examiner's characterization of the *Suzuki* reference relative to the claimed subject matter.

In the *Suzuki* reference, what is set by the global timer is just a time period, not the absolute time point of the presently claimed subject matter. As such, in *Suzuki's* system, it is not possible to calculate the time point specified in the presently claimed subject matter. Therefore, for at least this reason, the *Suzuki* reference does not disclose (or suggest) each and every feature of the method defined in present claim 20.

Accordingly, independent claim 20, as amended herein, is patentable under 35 U.S.C. § 102(e) over *Suzuki*.

Rejections Under 35 U.S.C. § 103

Applicant respectfully requests reconsideration of the rejection of claim 4 under 35 U.S.C. § 103(a) as being unpatentable over *Sekizawa*. Claim 4 ultimately depends from claim 1. Nothing in the *Sekizawa* reference cures the above-discussed deficiencies of this reference relative to the subject matter defined in present claim 1. Accordingly, claim 4 is patentable under 35 U.S.C. § 103(a) over *Sekizawa* for at least the reason that this claim ultimately depends from claim 1.

Applicant respectfully requests reconsideration of the rejection of claims 9-17, 19, 20, 22, 23, and 25 under 35 U.S.C. § 103(a) as being unpatentable over the combination of *Sekizawa* in view of *Suzuki*. Each of claims 9-17 ultimately depends from claim 1. As discussed above in connection with the anticipation rejections, neither the *Sekizawa* reference nor the *Suzuki* reference discloses or suggests the claimed feature of specifying each time point based on the elapsed time measured by the timer and the base time point. Thus, even if the references were to be combined in the manner proposed by the Examiner, the result of the combination would not have included each and every feature of the subject matter defined in present claim 1. Accordingly, claims 9-17 are patentable under 35 U.S.C. § 103(a) over the combination of *Sekizawa* in view of *Suzuki* for at least the reason that each of these claims ultimately depends from claim 1.

Considering next independent claim 19, Applicant has amended this claim, which defines a printing system, to recite that the time specification module specifies each time point, based on the *absolute time point* received by the time acquisition module and elapsed time from a reception of the print file, the elapsed time being calculated using the relative time. The elapsed time feature is similar to the corresponding features specified in present claims 1 and 20. Thus, for at least the same reasons set forth above in connection with the anticipation rejections, neither the *Sekizawa* reference nor the *Suzuki* discloses or suggests a time specification module as defined in present claim 19. Accordingly, claim 19, as amended herein, is patentable under 35 U.S.C. § 103(a) over the combination of *Sekizawa* in view of *Suzuki*.

Turning to independent claims 20 and 23, claim 20 is a method claim that corresponds to claim 1, and claim 23 is a computer-readable storage medium claim that corresponds to claim 1. Applicant has amended claims 20 and 23 along the same lines that claim 1 has been amended. Thus, for at least the same reasons discussed above with regard to present claim 1,

the result of the combination of the *Sekizawa* and *Suzuki* references would not have included each and every feature of the subject matter defined in present claims 20 and 23. Accordingly, claims 20 and 23, as amended herein, are patentable under 35 U.S.C. § 103(a) over the combination of *Sekizawa* in view of *Suzuki*. Claim 22, which depends from claim 20, and claim 25, which depends from claim 23, are likewise patentable under 35 U.S.C. § 103(a) over the combination of *Sekizawa* in view of *Suzuki* for at least the same reasons set forth above with regard to the applicable independent claim.

Entry of Amendments

Applicant has amended the claims to distinguish the various time points recited in the claims from the duration of time shown in the applied references. The amendments made herein are not believed to raise any new issues that require further consideration or search. Accordingly, Applicant submits that the amendments are in compliance with 37 C.F.R. § 1.116(b), and requests that the amendments be entered.

Conclusion

In view of the foregoing, Applicant respectfully requests reconsideration and reexamination of claims 1-6, 9-17, 19, 20, 22, 23, and 25, as amended herein, and submits that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 749-6902. If any

Application No. 10/726,471
Amendment dated November 21, 2008
Response to Final Office Action mailed August 21, 2008

additional fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. MIPFP068).

Respectfully submitted,
MARTINE PENILLA & GENCARELLA, L.L.P.

A handwritten signature in black ink, appearing to read 'P. Martine', with a long horizontal flourish extending to the right.

Peter B. Martine
Reg. No. 32,043

710 Lakeway Drive, Suite 200
Sunnyvale, California 94085
Customer Number 25920